United Nations A/71/PV.40

General Assembly

Seventy-first session

Official Records

40th plenary meeting
Thursday, 3 November 2016, 3 p.m.
New York

President: Mr. Thomson ..... (Fiji)

In the absence of the President, Mr. Bin Momen (Bangladesh), Vice-President, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 114 (*continued*)

Elections to fill vacancies in subsidiary organs and other elections

(b) Election of the members of the International Law Commission

Notes by the Secretary-General (A/71/90, A/71/90/Add.1, A/71/90/Add.2, A/71/90/Add.3, A/71/90/Add.4, A/71/90/Add.5 and A/71/90/Add.6)

Note by the Secretary-General (A/71/437 and A/71/437/Corr.1)

Curriculum vitae (A/71/83 and A/71/83/Add.1)

The Acting President: The Assembly will proceed to the election of the members of the International Law Commission.

In accordance with the provisions of chapter I of the statute of the Commission, the 34 members of the Commission are to be elected by the General Assembly for a five-year term of office beginning on 1 January 2017 from a list of candidates nominated by the Governments of States Members of the United Nations.

The members of the Commission are eligible for re-election. The present membership of the Commission is set out in the annex to document A/71/90. The notes by the Secretary-General concerning the candidates are contained in documents A/71/90 and addenda 1 to 6.

Members will recall that the Assembly, at its 25th plenary meeting, on 6 October 2016, decided to request that the Secretary-General issue a consolidated list, incorporating new candidates and additional information on candidates received subsequent to the deadline for the submission of nominations. In that connection, the Assembly now has before it the note by the Secretary-General circulated as document A/71/437 and its corrigendum 1, which consolidates, in alphabetical order, the candidates nominated by Governments of States Members of the United Nations for election to the International Law Commission.

I should like to inform the Assembly that, as indicated in document A/71/90/Add.6, the Permanent Mission of Libya to the United Nations indicated, in a note verbale dated 27 October 2016, that it had withdrawn the candidature of Mr. Abdelrazeg el-Murtadi Suleiman Gouider to the International Law Commission. In addition, the Permanent Mission of the Sudan to the United Nations informed the Secretariat, in a note verbale dated 1 November 2016, of the withdrawal of Mr. Muaz Ahmed Tungo for election to the International Law Commission, and the Permanent Mission of Burundi to the United Nations, in a note verbale dated 2 November 2016, informed the Secretariat of the withdrawal of Mr. Révérien Habarugira for election to the International Law Commission. A total of 46 candidates are therefore eligible in this election.

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The notes by the Secretary-General concerning the statements of qualifications of candidates are contained in documents A/71/83 and its addendum 1.

I should like to recall for members that, in accordance with the statute of the International Law Commission, the Commission should consist of persons of recognized competence in international law; the persons to be elected to the Commission should individually possess the qualifications required; and in the Commission as a whole, representation of the main forms of civilization and of the principal legal systems of the world should be ensured.

Pursuant to paragraph 3 of resolution 36/39, of 18 November 1981, the 34 members should be elected as follows: eight nationals from African States; seven nationals from Asia-Pacific States; four nationals from Eastern European States; seven nationals from Latin American and Caribbean States; and eight nationals from Western European and other States. The ballot papers reflect that pattern.

As provided for in the statute of the International Law Commission, those candidates, up to the maximum number prescribed for each regional group, receiving the greatest number of votes and not less than a majority of the votes of the Member States present and voting, shall be declared elected.

If the number of candidates obtaining a simple majority is less than the number of members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

Also, consistent with past practice, if, in the case of a tie vote, it becomes necessary to determine the candidate to be elected or to proceed to the next round of restricted balloting, there will be a special restricted ballot limited to the candidates who have obtained an equal number of votes.

May I take it that the General Assembly agrees to these procedures?

It was so decided.

The Acting President: In accordance with rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot. Before we begin the voting process, I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting. In addition, ballot papers will be given only to the representative seated directly behind the country's nameplate.

I would like to seek the usual cooperation of representatives during the time of the conduct of the election and to remind them that during the voting process, all campaigning should cease in the General Assembly Hall. That means, in particular, that once the meeting has begun, no more campaign material may be distributed inside the Hall.

All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank them for their cooperation.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

Ballot papers marked "A", "B", "C", "D" and "E" will now be distributed. Representatives are requested to use only those ballot papers that have been distributed. Each ballot paper contains the names of the candidates eligible in this round of balloting.

Representatives are requested to place a cross to the left of the names of the candidates for whom they wish to vote. Representatives may vote only for those candidates whose names appear on the ballot papers, and for no more than the number of seats allocated to each region. A ballot paper containing more votes than the number of seats allocated to the relevant region will be declared invalid.

Accordingly, members should ensure that the ballot papers marked "A" for African States do not contain votes for more than eight candidates; that the ballot papers marked "B" for Asia-Pacific States do not contain votes for more than seven candidates; that the ballot papers marked "C" for Eastern European States do not contain votes for more than four candidates; that the ballot papers marked "D" for Latin American and Caribbean States do not contain votes for more than seven candidates; and that the ballot papers marked "E" for Western European and other States do not contain votes for more than eight candidates.

At the invitation of the Acting President, Mr. Rosa (Angola), Mr. Hajiyev (Azerbaijan), Ms. Hung (Canada), Mrs. Le Diffard (Hungary),

Mrs. Rolón Candia (Paraguay), Mr. Guisse (Senegal), Ms. Eymann (Switzerland), Mr. Alshamsi (United Arab Emirates) and Mr. Pérez Ayestarán (Bolivarian Republic of Venezuela) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.25 p.m. and resumed at 6 p.m.

The Acting President: The result of the voting is as follows:

Group A — African States

Number of ballot papers:	193
Number of invalid ballots:	0
Number of valid ballots:	193
Abstentions:	0
Number of members voting:	193
Required simple majority:	97
Number of votes obtained:	
Mr. Ahmed Laraba (Algeria)	160
Mr. Yacouba Cissé (Côte d'Ivoire)	156
Mr. Dire Tladi (South Africa)	153
Mr. Chris Maina Peter (United Republic of Tanzania)	146
Mr. Hussein Hassouna (Egypt)	143
Mr. Amos Wako (Kenya)	140
Mr. Charles C. Jalloh (Sierra Leone)	131
Mr. Hassan Ouazzani Chahdi (Morocco)	130
Mr. Koffi Kumelio Afande (Togo)	124
Mr. Tiyanjana Maluwa (Malawi)	116
Mr. Emmanuel Ugirashebuja (Rwanda)	76

Group B — Asia-Pacific States

Number of ballot papers:	193
Number of invalid ballots:	2
Number of valid ballots:	191
Abstentions:	0
Number of members voting:	191
Required simple majority:	96
Number of votes obtained:	
Mr. Aniruddha Rajput (India)	160
Mr. Shinya Murase (Japan)	148
Mr. Mahmoud Daifallah Hmoud (Jordan)	146
Mr. Huikang Huang (China)	146
Mr. Ki Gab Park (Republic of Korea)	136
Mr. Ali bin Fetais Al-Marri (Qatar)	128
Mr. Hong Thao Nguyen (Viet Nam)	120
Mr. Djamchid Momtaz (Islamic Republic of Iran)	114
Mr. Rahmat Mohamad (Malaysia)	106
Mr. Nugroho Wisnumurti (Indonesia)	102

Group C — Eastern European States

Number of ballot papers:	193
Number of invalid ballots:	0
Number of valid ballots:	193
Abstentions:	0
Number of members voting:	193
Required simple majority:	97
Number of votes obtained:	
Mr. Ernest Petrič (Slovenia)	164
Mr. Pavel Šturma (Czech Republic)	160
Mr. Bogdan Aurescu (Romania)	158
Mr. Roman Anatolyevitch Kolodkin (Russian Federation)	149
Mr. Gentian Zyberi (Albania)	111

Group D — Latin American and Caribbean States

Number of ballot papers:	193
Number of invalid ballots:	3
Number of valid ballots:	190
Abstentions:	0
Number of members voting:	190
Required simple majority:	96
Number of votes obtained:	
Mr. Eduardo Valencia-Ospina (Colombia)	148
Mr. Claudio Grossman Guiloff (Chile)	146
Mr. Carlos Argüello Gómez (Nicaragua)	142
Mr. Juan Manuel Gómez-Robledo (Mexico)	140
Mr. Gilberto Vergne Saboia (Brazil)	139
Mr. Juan José Ruda Santolaria (Peru)	131
Mr. Marcelo Vazquez-Bermúdez (Ecuador)	125
Mr. Marcelo Gustavo Kohen (Argentina)	106
Mr. Manuel Ventura Robles (Costa Rica)	105
Mr. Gélin Imanès Collot (Haiti)	98

Group E — Western European and other States

Number of ballot papers:	193
Number of invalid ballots:	0
Number of valid ballots:	193
Abstentions:	0
Number of members voting:	193
Required simple majority:	97
Number of votes obtained:	
Ms. Marja Lehto (Finland)	175

Mr. Georg Nolte (Germany)	167
Ms. Patrícia Galvão Teles (Portugal)	151
Mr. August Reinisch (Austria)	145
Mr. Sean David Murphy (United States of America)	144
Ms. Nilüfer Oral (Turkey)	144
Ms. Concepción Escobar Hernández (Spain)	141
Mr. Michael Wood (United Kingdom)	141
Mr. Chester Brown (Australia)	136
Mr. Mathias Forteau (France)	134

Having obtained the required majority and the greatest number of votes, Mr. Ali bin Fetais Al-Marri (Qatar), Mr. Carlos J. Argüello Gómez (Nicaragua), Mr. Bogdan Aurescu (Romania), Mr. Yacouba Cissé (Côte d'Ivoire), Ms. Concepción Escobar Hernández (Spain), Ms. Patrícia Galvão Teles (Portugal), Mr. Juan Manuel Gómez-Robledo (Mexico), Mr. Claudio Grossman Guiloff (Chile), Mr. Hussein Hassouna (Egypt), Mr. Mahmoud Daifallah Hmoud (Jordan), Mr. Huikang Huang (China), Mr. Charles C. Jalloh (Sierra Leone), Mr. Roman Anatolyevitch Kolodkin (Russian Federation), Mr. Ahmed Laraba (Algeria), Ms. Marja Lehto (Finland), Mr. Shinya Murase (Japan), Mr. Sean David Murphy (United States of America), Mr. Hong Thao Nguyen (Viet Nam), Mr. Georg Nolte (Germany), Ms. Nilüfer Oral (Turkey), Mr. Hassan Ouazzani Chahdi (Morocco), Mr. Ki Gab Park (Republic of Korea), Mr. Chris Maina Peter (United Republic of Tanzania), Mr. Ernest Petrič (Slovenia), Mr. Aniruddha Rajput (India), Mr. August Reinisch (Austria), Mr. Juan José Ruda Santolaria (Peru), Mr. Gilberto Vergne Saboia (Brazil), Mr. Pavel Šturma (Czech Republic), Mr. Dire Tladi (South Africa), Mr. Eduardo Valencia-Ospina (Colombia), Mr. Marcelo Vázquez-Bermúdez (Ecuador), Mr. Amos Wako (Kenya) and Mr. Michael Wood (United Kingdom of Great Britain and Northern Ireland) were elected members of the International Law Commission for a five-year term of office beginning on 1 January 2017.

The Acting President: I congratulate all 34 persons who have been elected to the International Law Commission, and I thank the tellers for their assistance in this election.

The General Assembly has thus concluded its consideration of sub-item (b) of agenda item 114.

The meeting rose at 6.15 p.m.